(3)

IN THE HIGH COURT OF JUDICATURE, AT-BILASPUR(C.G.)

WRIT PETITION NO. 4737 OF 2004

BETWEEN

PETITIONER

LACHCHHI RAM DEWANGAN,
AGED – 47 YEARS,
SON OF SHRI SHYAM LAL DEWANGAN
POSTED AS – ASSISTANT TEACHER,
AT – GOVT. PRIMARY SCHOOL,
GHATMADWA, BLOCK – KASDOL,
DISTRICT – RAIPUR (C.G.)
R/O VILLAGE GIDHOURI, BLOCK – KASDOL,
DISTRICT – RAIPUR (C.G.)

P.R. No. 4787/04 Presented by Shri ... dated 07.12.04

VERSUS

RESPONDENTS :

1. STATE OF CHHATTISGARH
THROUGH – THE SECRETARY
SCHOOL EDUCATION DEPT.
MANTRALAY, D.K.S. BHAWAN,
RAIPUR.

2. THE DISTRICT EDUCATION OFFICER,
AT – RAIPUR (C.G.)

3. BLOCK EDUCATION OFFICER,
AT – KASDOL, DISTT. – RAIPUR (C.G.)

Certified Copy 7/12/04 Clerk to A.G. Bilaspur

WRIT PETITION UNDER ARTICLE- 226 & 227 OF CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, SUITABLE DIRECTION OR DIRECTIONS, ORDER OR ORDERS

(32)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 4737 **सन्** 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	14.01.2005 :- Shri R.K.Kesarwani learned counsel for the petitioner. Shri Akhil Agrawal,learned P.L. for the State/respondent. Heard. By this instant petition the petitioner is challenging the transfer order dated 13.08.2004 of Annexure P/1 by which the petitioner has been transferred from Govt. Primary School, Ghatmadwa to Govt. Primary School, Awrang. Learned counsel for the petitioner submits that apart from being the Assistant Teacher in the Govt. Primary School Ghatmadwa, the petitioner is also selected as the Coordinator in "Rajeev Ghandhi Shiksha Mission" and is discharging the duties of Coordinator and instructions to this effect has been filed as Annexure P/5 and on the above ground the Block Education Officer, Kasdol has recommended the cancellation of transfer order of the petitioner vide letter of Annexure P/4. On the other hand learned counsel for the respondent submits that from the perusal of the transfer order it is clear that not only the petitioner but other teachers have also been transferred on administrative ground and the transfer is an incidence of service, it can not be challenged as the Apex Court has time and again held that the Court should not interfere in the matters of transfer unless it is shown that is prohibited or it has been done malafidely. In this regard, **2003 volume 4 SCC 3104** is relied upon by the State counsel.	

(33)

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	Considering the facts and circumstances of the case, I am of the opinion that the instant petition has no merits and it deserves to be dismissed and it is accordingly dismissed. Sd/- Dhirendra Mishra Judge	

GRPRJ—FS/350—12/2000—50,000.